

REMARKS

Claims 21-38 are pending in the present application. Claims 21, 30 and 31 were amended in this response. No new matter was introduced as a result of the amendments. Entry of the amendments and favorable reconsideration is respectfully requested.

The claims were objected to for the alleged improper numbering of the claims. Applicant notes that claims 1-21 were amended via Article 19 during the PCT phase, leaving claims 1-20 in the application just prior to entering the national phase. Applicant's amendments were based on the latest claims during national entry, namely claims 1-20. Applicant submits the numbering of claims is thus proper. Withdrawal of the objection is earnestly requested.

Claims 21-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over "3GPP TS 23.140 V5.3.0 (XP-002225281) (hereafter "3GPP") in view of Iivonen (WO 01/93558). Applicant respectfully traverses this rejection.

Specifically, the cited art, alone or in combination, fails to teach or suggest where, "the switching node determines, as a function of a header field, the network element supporting functionalities associated with the multi-media message within an area of responsibility of the first message service provider to which the multi-media message will be forwarded." The present claims address the transmission of messages through which a network provider can dynamically expand his/her network architecture at any time by new network elements from different manufacturers or by components with a different functional scope, without having to run the risk of a service being processed by a network element which does not support the desired functionality.

Regarding 3GPP, the document generally discloses the process of MMS messaging, where a terminal transmits a multi-media message of a first user agent to a first message service provider (page 129), where two users (US A, US B) belong to the same network node (MMSE, see 4.2) containing a plurality of network elements (i.e. MMS relay/server). 3GPP specifically states that "[t]he other use case of reply-charging where MMS user Agent A and MMS User Agent B belong to different MMS Service Providers is for future elaboration" (page 129, second-to-last paragraph). Thus 3GPP cannot teach that the switching node (MMSE) determines, as a function of a header field, the network element (MMS relay-server) supporting functionalities associated with the multi-media message within an area of responsibility of the first message

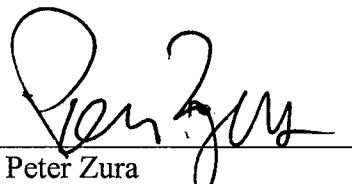
service provider to which the multi-media message will be forwarded. In 3GPP, the document only addresses communication through a node where the transmission through MMS relay/servers are predetermined; the node does not make any “determinations” on the capabilities of the servers, and, as the Office Action has conceded, also does not utilize header fields for making such determinations.

Iivonen fails to solve the deficiencies of 3GPP, discussed above. At the outset, Iivonen discusses the transmission of SMS messages; no discussion of MMS can be found in the disclosure. Also, Iivonen merely discloses that a header field may be used for billing purposes (“header H may be used to indicate a 'reply paid' message of the invention” page 6, lines 24-25). Iivonen further discloses that the address of the SMS service center used by the sender may be added to the header “for the purpose of finding the short message service center containing the billing key” (page 7, lines 4-9). Nowhere in Iivonen does it disclose use of the header to determine the network element supporting functionalities associated with the multi-media message. For at least these reasons, Applicant submits the rejection is improper and should be withdrawn.

In light of the above, the Applicants submit that all the claims are both novel and non-obvious over the prior art of record. Accordingly, the Applicants respectfully request that a Notice of Allowance be issued in this case. If any additional fees are due in connection with this application as a whole, the Director is authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the attorney docket number (0112740-1029) on the account statement.

Respectfully submitted,

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